



Division:

Human Resources (HR)

Title:

Standard Operating Procedures

Procedure:

DISCIPLINARY ACTION GUIDELINE– GS 126

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Disciplinary Action Guidelines – GS 126

The Disciplinary Action Guidelines are designed to be a helpful and quick reference to assist Human Resources Managers/Employee Relations Specialists when consulting with managers and supervisors on documenting disciplinary and non-disciplinary actions and not intended as binding policy. Situations and circumstances can vary and should be dealt with accordingly. The Human Resources Manager/Employee Relations Specialist should review all disciplinary action letters before the manager/supervisor issues the action to the employee. In addition, disciplinary action letters involving a dismissal, demotion, or disciplinary suspension must be reviewed by the Central Office Employee Relations Section in advance. It is also suggested that the Human Resources Manager/Employee Relations Specialist review documents that are considered non-disciplinary actions prior to being issued to the employee (i.e., Separation Due to Unavailability When Leave is Exhausted, Separation from Probationary Appointment, Voluntary Resignation Without Notice, Documented Counseling, etc.) which will be mentioned within these Disciplinary Action Guidelines.

The Human Resources Manager/Employee Relations Specialist should always consult the DHHS [Employee Relations, Disciplinary Action Policy](#) when there is a question about the appropriate course of action. In addition, the DHHS Central Office Employee Relations Section is available to the Human Resources Manager/Employee Relations Specialist for consultation at (919) 733-2660.

Bases for Discipline

- A. There are two (2) bases for the discipline and/or dismissal of employees under the statutory standards of just cause as set out in G. S. 126-35.
 1. Discipline or dismissal imposed on the basis of unsatisfactory job performance, including grossly inefficient job performance; or
 2. Discipline or dismissal imposed on the basis of unacceptable personal conduct
- B. When consulting with managers/supervisors on taking disciplinary action, the Human Resources Manager/Employee Relations Specialist should always ensure that the manager/supervisor has done the following:
 - Established a current unresolved incident for which no disciplinary action has previously been taken.
 - Gathered the relevant facts (What happened, when, where and who was involved?). (Refer to the [Administrative Investigation Guidelines](#))
 - Obtained the employee's side of the story in writing.
 - Considered any extenuating circumstances.
 - Determined the applicable policy violation (Division/Facility/School/Department /State)
 - Documented the matter using the checklist on the [Employee Disciplinary Action Routing Form](#) as well as completing the form.
 - If the action involves a dismissal, demotion, or suspension, the Human Resources Manager/Employee Relations Specialist must seek input from the Central Office Employee Relation Section using the [Proposed Dismissals, Demotions, and Disciplinary Suspension Form](#).

C. When the manager/supervisor makes the determination that just cause exists, one of the below disciplinary actions can be administered. The degree and type of action taken shall be based upon sound and considered judgment in accordance with the provisions of the Department/Division/Facility/School, and State Personnel Policy. Although not disciplinary, the supervisor/manager may want to consider a [Documented Counseling](#) as a first step, depending on the severity of the incident. The disciplinary actions for just cause are as follows:

1. [Written Warning](#)
2. [Disciplinary Suspension Without Pay](#)
3. [Demotion](#)
4. [Dismissal](#)

D. The Human Resources Manager/Employee Relations Specialist should be aware of the technical procedures that the manager/supervisor may have to follow to administer action with an employee that are not considered disciplinary but may result in permanent or temporary separation from employment. These actions are as follows:

1. [Separation from a Probationary Appointment](#) (For Unsatisfactory Job Performance or Unacceptable Personal Conduct)
2. [Separation Due to Unavailability when Leave is Exhausted](#)
3. [Voluntary Resignation Without Notice](#)
4. [Reassignment](#)
5. [Investigatory Placement with Pay](#)
6. [Pre-Disciplinary Conferences](#)